

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Application for Federal Registration of the Seminole County Trademark

DEPARTMENT: Economic Development

DIVISION: Tourism

AUTHORIZED BY: William McDermott

CONTACT: Shani Beach

EXT: 7135

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute Application for Federal Registration of the Seminole County Trademark; and authorize payment of \$375.

County-wide

Bill McDermott

BACKGROUND:

In September of 2000, Seminole County registered the "Florida's Natural Choice" trademark with the State of Florida. Recently, the County Attorney's office has suggested that we consider federal registration of the trademark stating that "Federal registration provides very strong nationwide trademark protection and enforcement rights. In the past, state registration prevented someone else from registering the trademark with the state, but it did not necessarily prevent another entity within the state but outside the geographic area where the trademark was being used from obtaining federal registration and then restricting the state registrant from using the name beyond its current geographic area. Federal registration would generally eliminate this potential problem." Based on this recommendation, staff is requesting approval to seek federal registration of the Seminole County trademark.

STAFF RECOMMENDATION:

Staff is requesting Board approval to seek federal registration of the Seminole County trademark.

ATTACHMENTS:

1. Application

Additionally Reviewed By:

- ☒ Budget Review (Lisa Spriggs, Ryan Switzer)
- ☒ County Attorney Review (Ann Colby)

~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~

BASIC INSTRUCTIONS

The following form is written in a "scannable" format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <DATE OF FIRST USE IN COMMERCE>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). If you need additional space, first, in the space provided on the form, enter "See attached." Then, please use a separate piece of paper on which you first list the data tag (e.g., <LISTING OF GOODS AND/OR SERVICES>), followed by the relevant information. Some of the information requested *must* be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the "Help" section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase the effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

For additional information, please see the *Basic Facts about Trademarks* booklet, available at <http://www.uspto.gov/web/offices/tac/doc/basic/>, or by calling the Trademark Assistance Center, at 1-800-786-9199. You may also wish to file electronically, from <http://www.uspto.gov/teas/index.html>.

MAILING INFORMATION

Send the completed form, appropriate fee(s) (made payable to the "Commissioner of Patents and Trademarks"), and any other required materials to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

The filing fee for this application is \$375.00 *per class* of goods and/or services. You must include at least \$375.00 with this application; otherwise the papers and money will be returned to you. Once your application meets the minimum filing date requirements, this processing fee becomes **non-refundable**. This is true even if the USPTO does not issue a registration certificate for this mark.

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and list each item being submitted (e.g., application, fee, specimen, etc.). We will return this postcard to you, stamped with your assigned serial number, to confirm receipt of your submission.

~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~

~To the Commissioner for Trademarks~

<APPLICANT INFORMATION>

<Name> Seminole County
<Street> 1101 East First Street
<City> Sanford
<State> FL
<Country> USA
<Zip/Postal Code> 32771-1468
<Telephone Number> 407-665-7132
<Fax Number> 407-665-7003
<e-Mail Address> WMcDermott@seminolecountyfl.gov

<APPLICANT ENTITY INFORMATION>~Select only ONE~

<Individual: Country of Citizenship>
<Corporation: State/Country of Incorporation>
<Partnership: State/Country under which Organized>
 <Name(s) of General Partner(s) & Citizenship/Incorporation>
 Seminole County, a Political Subdivision of the State of Florida
<Other Entity Type: Specific Nature of Entity>
 <State/Country under which Organized>

<TRADEMARK/SERVICE MARK INFORMATION>

<Mark>

The mark may be registered in standard character format or in special form. Applicant must specify whether registration is sought for the mark in standard character format or in a special form by entering "YES" in the appropriate space below.

<Standard Character Format> The mark is presented in standard character format without claim to any particular font style, size or color.

Enter YES, if appropriate _____

<Special Form Drawing> Enter YES, if appropriate Yes

ATTACH a separate piece of paper that displays the mark you want to register (a "drawing" page), even if the mark is simply a word or words. Display only the exact mark you want to register on the additional piece of paper. Do not display advertising material or other matter that is not part of the mark. Please see additional HELP instructions.

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<Use in Commerce: Section 1(a)>~Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. § 1051(a)).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in *HELP* instructions.~

035 Promoting Tourism in Seminole County, FL

<Date of First Use Anywhere> May 1, 1994

<Date of First Use in Commerce> May 1, 1994

~Submit one (1) SPECIMEN for each international class showing the mark as used in commerce.~

<Intent to Use: Section 1(b)>~Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. § 1051(b)).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in *HELP* instructions.~

<Foreign Priority: Section 44(d)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in *HELP* instructions.~

<Country of Foreign Filing>

<Foreign Application Number>

<Date of Foreign Filing>

<Foreign Registration: Section 44(e)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods/services based on registration of the mark in applicant's country of origin.~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in *HELP* instructions.~

<Country of Foreign Registration>

<Foreign Registration Number>

<Foreign Registration Date>

<Foreign Registration Renewal Date>

<Foreign Registration Expiration Date>

~Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. § 1126(e).~

<FEE INFORMATION>

\$375.00 x <Number of Classes>

= <Total Filing Fee Paid>

<SIGNATURE INFORMATION>

~ Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the above-identified goods and/or services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and/or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

~Signature~ _____

<Date>

<Name> Brenda Carey

<Title> Chairman, Board of County Commissioners

<CONTACT INFORMATION>

<Name> William McDermott

<Company/Firm Name> Director, Economic Development Dept., Seminole County

<Street> 1055 AAA Drive, Suite 145

<City> Heathrow

<State> FL

<Country> USA

<Zip/Postal Code> 32746

<Telephone Number> 407-665-7132

<Fax Number> 407-665-7003

<e-Mail Address> WMcDermott@seminolecountyfl.gov

DRAWING PAGE

Applicant's Name: Seminole County
Applicant's Address: 1101 East First Street,
Sanford, FL 32771
Goods and Services: Tourism promotion in
Seminole County, Florida
Date of First Use: May 1, 1994
The Mark:



COLOR CLAIM:

The color(s) blue (PMS 2728) and green (PMS 355) are claimed as a distinctive feature of the mark.

COLOR LOCATION DESCRIPTION:

The top swish to the left of the sailboat, the signature "Seminole County" and the tagline "Florida's Natural Choice" should be blue (PMS 2728). The bottom swish below and also to the right of the sailboat is green (PMS 355). PMS, or Pantone Matching System, is the printing industry standard for spot color printing.